

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANNY EUGENE MCDOWELL,

Plaintiff,

Case No. 2:24-cv-10382

v.

Hon. Brandy R. McMillion

Mag. Elizabeth A. Stafford

RAPHAEL WASHINGTON, *et. al.*

Defendants.

**ORDER ADOPTING RECOMMENDED DISPOSITION OF
REPORT AND RECOMMENDATION (ECF NO. 46), AND GRANTING
DEFENDANTS' MOTION TO DISMISS AND MOTION FOR SUMMARY
JUDGMENT (ECF NO. 38)**

Pro se Plaintiff Danny Eugene McDowell, a pretrial detainee in the Wayne County Jail, brings this action against Wayne County Sheriff Raphael Washington, Wayne County Chief Robert Dunlap, and five unknown Wayne County Staff Members, pursuant to 42 U.S.C. § 1983, alleging constitutional violations based on the conditions of confinement at Wayne County Jail. ECF No. 1. The five unknown John Doe Defendants were dismissed from this action. ECF No. 37.

This matter was originally assigned to the Honorable Paul D. Borman, who referred all pretrial matters to Magistrate Judge Elizabeth A. Stafford. ECF No. 16. On June 27, 2024, this case was reassigned from Judge Borman to the undersigned. The Court re-referred all pretrial matters to Judge Stafford. ECF No. 23.

On November 22, 2024, the remaining two Defendants, Washington and Dunlap, filed a Motion to Dismiss and for Summary Judgment. ECF No. 38. On July 8, 2025, in a Report and Recommendation (“R&R”), the Magistrate Judge recommended that the Court grant the motion. ECF No. 46. At the end of the R&R, the Magistrate Judge advised the parties that to seek review of her recommendation, they had to file specific objections with the Court within 14 days of service of the R&R. *Id.* at PageID.392.

As of the date of this order, August 5, 2025—28 days since the Magistrate Judge filed the R&R—neither party has filed objections to the R&R or contacted the Court to ask for more time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987) (explaining that a party’s failure to timely object to a report and recommendation allows a court to accept the recommendation “without expressing any views on the merits of the magistrate’s conclusions”). Similarly, failure to object to an R&R forfeits any further right to appeal. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (recognizing that a party forfeits their right to appeal by failing to timely file objections to an R&R).

Accordingly, because neither party objected to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Defendants' motion to dismiss and for summary judgment (ECF No. 46) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss and for Summary Judgment (ECF No. 38) is **GRANTED**.

This is a final order that closes this case.

IT IS SO ORDERED.

Dated: August 5, 2025
Detroit, Michigan

s/Brandy R. McMillion
HON. BRANDY R. MCMILLION
United States District Judge